

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Criminal No. 04-cr-20-01-JD

Jayne Holway

O R D E R

The defendant has asked this court to direct the Bureau of Prisons to transfer her into a community corrections facility (document nos. 27, 29). It appears that the defendant has commenced an action pursuant to 28 U.S.C. § 2241 in the United States District Court for the District of West Virginia seeking the same relief. The defendant is incarcerated in the District of West Virginia.

The defendant's requests are denied (document nos. 27, 29). The court notes in the first instance that whether or not the defendant is transferred to a community corrections facility is a matter that is within the sound discretion of the Bureau of Prisons. The court has no objection to such a transfer if the Bureau of Prisons determines that it is appropriate to do so. Secondly, the court notes that it does not have jurisdiction to act in this matter because the defendant is incarcerated in a

facility that is located within the District of West Virginia. Therefore, she must seek redress in that district assuming, of course, that she has exhausted any administrative remedies available to her.

SO ORDERED.


Joseph A. DiClerico, Jr.
United States District Judge

October 30, 2006

cc: Jayne Holway, pro se
Donald A. Feith, Esquire